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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,743	07/21/2003	David T. Hung	12.026011-DIV	4720
58732	7590	09/30/2009		
CYTYC CORPORATION Darry Pattinson, Sr. IP Paralegal 250 CAMPUS DRIVE MARLBOROUGH, MA 01752			EXAMINER SANG, HONG	
			ART UNIT 1643	PAPER NUMBER
			MAIL DATE 09/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID T. HUNG

Application No. 10/622,743
Technology Center 1600

Mailed: September 29, 2009

Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on July 27, 2009, Appellant filed an Amended Appeal Brief, which specifically included Amendments to the Claims in response to the Final Rejection mailed November 7, 2006. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED
that the application be returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) if appropriate, vacate the Examiner's Answer mailed November 6, 2007; and
- 3) if appropriate issue a new Examiner's Answer. Any Supplemental Examiner's Answer requires the signature of the Group Director or his designee; and
- 4) for such further action as may be appropriate.

Application 10/622,743

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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